

Rec'd PCT/PTO 07 FEB 2006



Docket No. 16526US01
Customer No. 23,446

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:)

Mario Huesca et. al.)

Serial No. 10/525,690)

Filed: 02/22/2005)

For: 2, 4, 5 – TRISUBSTITUTED
IMIDAZOLES AND THEIR USE AS
ANTI-MICROBIAL AGENTS)

Examiner:)

EXPRESS MAIL NO: EV729164764US

DATE: February 7, 2006

Group Art Unit:

PETITION UNDER 37 C.F.R. § 1.47(a) AND
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This paper responds to the Notification of Missing Requirements dated September 7, 2005. A petition for a five-month extension of time is enclosed, making this response due on February 7, 2006.

The Notification indicated that the oath or declaration from the inventors was missing. Applicants are submitting a declaration signed by three of the four named inventors. As explained below and in the attached declaration by Diane Singer, the fourth inventor cannot be found after diligent efforts.

02/14/2006 GFREY1 00000153 130017 10525690

01 FC:1463 200.00 DA
02 FC:2617 65.00 DA

RECEIVED 16 MAR 2006
Legal Staff
International Division

Petition Under 37 C.F.R. § 1.47(a)

The Applicants respectfully petition the Commissioner, under 37 C.F.R. § 1.47(a), to accept the enclosed Combined Declaration and Power of Attorney and allow prosecution of this application to proceed.

The present application names four joint inventors – Raed Al-Qawasmeh, Mario Huesca, Aiping H. Young, and Yoon Lee. Inventor Raed Al-Qawasmeh cannot be found or reached after diligent efforts, and therefore is not available to sign the enclosed Combined Declaration and Power of Attorney. It is believed that Dr. Al-Qawasmeh has left the country. Inventors Huesca, Young, and Lee have executed the enclosed Combined Declaration and Power of Attorney on their own behalf and on behalf of the non-signing inventor, Dr. Al-Qawasmeh.

The pertinent facts surrounding Dr. Al-Qawasmeh's omission from the Combined Declaration and Power of Attorney are as follows and as attested to in the Declaration of Dianne Singer being filed concurrently herewith.

On February 22, 2005, the application identified above was filed with the United States Patent and Trademark Office. At that time, Lorus Therapeutics ("Lorus") employee Dianne Singer attempted to locate Dr. Al-Qawasmeh to send him a copy of the filed application along with the Combined Declaration and Power of Attorney.

Ms. Singer subsequently attempted to locate Dr. Al-Qawasmeh by calling the only telephone number that Lorus had on file for him. Ms. Singer discovered that the number had been disconnected, and no forwarding number was given. Ms. Singer then used the comprehensive internet white pages directory "www.canada411.com" to attempt to locate a

current phone number for Dr. Qawasmeh. Ms. Singer found no listing for Raed Al-Qawasmeh or R. Qawasmeh in Canada. Ms. Singer then called Hugh M. Evans, Dr. Al-Qawasmeh's attorney, and asked Mr. Evans to have Dr. Qawasmeh contact Lorus. Neither Dr. Qawasmeh nor Mr. Evans have replied. Ms. Singer then sent letters with documents requiring signature to Dr. Al-Qawasmeh's last known address. The letters have not been answered, and the documents have not been returned.

After this diligent but unsuccessful effort to locate Dr. Al-Qawasmeh, Ms. Singer and Lorus were forced to conclude that they could neither reach nor find Dr. Al-Qawasmeh .

Dr. Al-Qawasmeh's last known address is:

15 Vicora Linkway
North York, Ontario, M3C 1A8
CANADA

*** Sequence Listing**

The Notification also stated that the application does not contain a Sequence Listing, nor was a computer readable form of a Sequence listing submitted. Applicants do not believe that the present application requires a Sequence Listing. If the Office contends that a Sequence Listing is required, Applicants request that the Office identify the nucleotide and/or amino acid sequences in the application require the submission of a Sequence Listing.

Fees

The fee for this petition is \$200, pursuant to 37 C.F.R. § 1.17(g), and the Notification indicated that a surcharge of \$65 was required. Please charge these fees, and any additional fee (or credit any overpayment), to Deposit Account 07-0845.

Accordingly, Applicants petition the Commissioner, under 37 C.F.R. § 1.47(a), to accept the enclosed Combined Declaration and Power of Attorney and allow prosecution of this application to proceed. The Office is invited to telephone Applicants' undersigned representative if there are any questions.

Date: February 7, 2006

Respectfully submitted



Michael B. Harlin
Reg. No. 43,658
Attorney for Applicants

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Phone: 312-775-8000
Facsimile: 312-775-8100

Rec'd CT/PTO 07 FEB 2006



Docket No: 16526US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:)
)
Mario Huesca et. al.)
)
Serial No. 10/525,690)
)
Filed: 02/22/2005)
)
For: 2, 4, 5 - TRISUBSTITUTED)
IMIDAZOLES AND THEIR USE AS)
ANTI-MICROBIAL AGENTS)
)
Examiner: Not yet assigned)
)
Group Art Unit: Not yet assigned)

Declaration of Dianne Singer

I, Dianne Singer declare the following:

1. I am a former employee of Lorus Therapeutics ("Lorus"). I worked at Lorus until Nov 1, 2005. Before I left Lorus, I was directly involved in efforts to locate Raed Al-Qawasmeh, an inventor named on the patent application identified above. I am making this declaration to show facts in support of a petition under 37 CFR 1.47(a) requesting the Director to accept the enclosed Combined Declaration and Power of Attorney, which has been executed on behalf of Raed Al-Qawasmeh, whom Lorus has been unable to find or reach after diligent effort.

2. The present application names four joint inventors - Mario Huesca, Raed Al-Qawasmeh, Aiping H. Young, and Yoon Lee. Inventors Huesca, Young, and Lee

have executed the enclosed Combined Declaration and Power of Attorney on their own behalf and on behalf of Raed Al-Qawasmeh, who cannot be found or reached.

3. As a part of my duties as a law clerk in the legal department of Lorus, I had the task of having the inventors execute the enclosed Combined Declaration and Power of Attorney. In the course of having the document executed, I learned that Dr. Al-Qawasmeh no longer worked at Lorus. In an effort to find Dr. Al-Qawasmeh, I undertook the efforts described below.

4. I called the only phone number which Lorus had available for Dr. Al-Qawasmeh. That number was disconnected, and no forwarding number was provided.

5. I attempted to locate a new phone number through the comprehensive Canadian internet phone directory www.canada411.com. I found no listing was for "Raed Al-Qawasmeh" or "R. Al-Qawasmeh."

6. I called Hugh M. Evans, Dr. Qawasmeh's attorney, and left him a message asking for current contact information for Mr. Al-Qawasmeh. Neither Mr. Evans, nor Dr. Al-Qawasmeh, responded to any of my telephone calls.

7. I sent letters to Dr. Al-Qawasmeh's last known address. These letters contained documents requiring signature. Neither the letters nor the documents therein have been returned to myself or to Lorus.

8. Despite the efforts listed above, I have been unable to find Dr. Al-Qawasmeh or to discover any current contact information for him. I believe that Dr. Al-Qawasmeh may have left the country. This belief is based upon

9. Dr. Al-Qawasmeh's last known address was:

15 Vicora Linkway
North York, Ontario, M3C 1A8

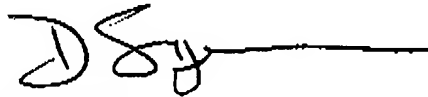
*statements made to me
by Lorus employees that
Dr. Al-Qawasmeh had
often spoken of returning
to his home country
outside Canada.*

CANADA

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further assert that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

2006-01-27



Dianne Singer